

Decision 03-01-017 January 16, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
Department of Transportation, for an order
authorizing the Department to construct a new
Overhead structure parallel to the existing
Plumas-Arboga Overhead (PUC No. 004-170.30-
A) on State Route 70 over the Tracks of the Union
Pacific Railroad Company in the County of Yuba.

Application 02-06-036
(Filed June 17, 2002)

O P I N I O N

Summary

The State of California, Department of Transportation (Department) requests authority to construct a new overhead structure parallel to the existing Plumas-Arboga Overhead on State Route 70 over the tracks of the Union Pacific Railroad Company (UPRR) in Yuba County. The proposed overpass will be referred to as the Plumas-Arboga Overhead (PAO), California Public Utilities Commission (CPUC) No. 004-170.30-A, DOT No. 834939Y. A vicinity map of the project area is illustrated in Appendix A of this decision. Appendix B of this decision details the grade separation plans.

Discussion

The proposed project will add a second overpass in parallel with the existing overpass. The existing overpass is a two directional bridge. The new structure will accommodate northbound traffic, while the existing structure will be reconfigured to handle only southbound traffic. This change will allow the upgrading of this portion of State Route 70 to the status of an expressway. The

new PAO will add two vehicular lanes, resulting in a total of four vehicle lanes between the two overheads. The total PAO length is 456 feet and the width will be 42 feet.

The project will reduce traffic delays, reduce congestion, and improve safety along the portion of State Route 70 located in Sutter and Yuba Counties. It will also provide for the future expansion of State Route 70 to a six-lane freeway, which would additionally improve air quality and reduce travel times and energy consumption.

Construction of the PAO is scheduled to begin in May 2003, with construction over the tracks scheduled to begin in June or July of 2003. During construction vehicular traffic will continue on the parallel overpass. Beneath the construction train traffic will continue uninterrupted. All falsework clearances, both horizontal and vertical, will meet UPRR and CPUC requirements. The vertical clearance during construction will not be less than 21 feet. Upon completion of the project, all falsework will be removed and the permanent PAO structure will have clearances in accordance with General Order 26-D.

The Department is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On January 25, 2002, in compliance with CEQA, the Department filed its Notice of Determination approving this project stating that the project will have a significant effect on the environment. A Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS), and a Statement of Overriding Considerations (SOC) were adopted for this project.

The CPUC is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the CPUC consider the environmental consequences of a project that is subject to its discretionary

approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The CPUC has reviewed the Department's environmental documentation and finds the documents adequate for our decision-making purposes. The environmental documentation consists of an FEIR/EIS, the Notice of Determination, and the SOC. Analysis of potential environmental impacts included: land use, agricultural resources, visual aesthetics, water resources, social and economic, cultural resources, biological resources, hazardous wastes, noise, and air quality.

Safety and security, transportation and noise are within the scope of the CPUC's permitting process. The environmental documentation did not identify any potential impacts related to safety and security, or transportation.

Noise impacts were identified in the FEIR/EIS. The impacts identified related to cumulative traffic noise. The noise levels are expected to increase substantially at some residences in the future. Noise mitigation was analyzed, and found not to be feasible. Consequently, no noise mitigation measures were adopted. Therefore, the noise impacts are considered a significant unavoidable and unmitigated impact.

With respect to the potentially significant noise impacts identified above, the Department adopted a SOC. In adopting the SOC, the Department noted the following benefits from the proposed project that would outweigh any unavoidable significant effects on the environment.

1. The project will reduce traffic delays, reduce travel times, reduce congestion and improve safety.
2. The project has been changed to avoid or substantially reduce the magnitude of potential impacts to wetlands and protected species. Through project modifications the potentially significant impacts to these resources will be reduced to a less than significant level.
3. The project will reduce energy consumption and improve air quality.

With respect to the SOC, we find that the Department enumerated several significant benefits associated with the proposed project which appeared, on balance, to reasonably override the unavoidable impacts. Therefore, we accept and adopt the findings of the SOC for purpose of our approval.

The CPUC's Consumer Protection and Safety Division (CPSD), Rail Crossings Engineering Section (RCES) inspected the site of the proposed project. RCES examined the need for and safety of the proposed grade separation and recommends that the requested authority sought by the Department be granted for a period of three years.

Application 02-06-036 meets the filing requirements of the CPUC's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3090 dated June 27, 2002, the CPUC preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3090.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the CPUC Daily Calendar on June 26, 2002. No protests have been filed.

2. The Department requests authority, under Public Utilities Code Sections 1201-1205, to construct a new overhead structure parallel to the existing Plumas Arboga Overhead, CPUC No. 4-170.30-A, on State Route 70 over the tracks of the UPRR.

3. Public convenience, safety, and necessity require the construction of the overhead structure parallel to the existing structure over the tracks of the UPRR.

4. The Department is the lead agency for this project under the CEQA, as amended.

5. The CPUC is a responsible agency for this project, and has reviewed and considered the Department's environmental documentation. We find these documents adequate for our decision-making purposes.

6. On January 25, 2002, the Department filed its Notice of Determination approving the project and found that the project to "Upgrade State Route 70 in Sutter and Yuba Counties" would have a significant effect on the environment.

7. Safety and security, transportation and noise are within the scope of the CPUC's permitting process.

8. The Department's environmental documents did not identify any potential environmental impacts from the project related to safety and security, or transportation.

9. The CPUC finds that the Department enumerated several significant benefits to reasonably override the unavoidable noise impacts associated with the project and we adopt the findings in the SOC for purposes of our approval.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The State of California, Department of Transportation (Department) is authorized to construct a new overhead structure parallel to the existing Plumas-Arboga Overhead, California Public Utilities Commission (CPUC) No. 4-170.30-A, on State Route 70 over the tracks of the Union Pacific Railroad Company (UPRR) in Yuba County.

2. Clearances shall be in accordance with General Order (GO) 26-D; except during the period of construction, a vertical clearance of not less than 21 feet above top of rail shall be authorized. The UPRR shall be authorized to operate with such reduced overhead clearance provided that instructions issued by UPRR limiting the height of loads beneath the structure are filed with the CPUC's Rail Crossing Engineering Section (RCES) of the Consumer Protection and Safety Division (CPSD).

3. The Department shall notify the RCES of the CPSD and UPRR at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be

promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the Department and UPRR (parties). A copy of the agreement shall be filed by the Department with the RCES of CPSD prior to construction. Should the parties fail to agree, the CPUC will apportion the costs of construction and maintenance by further order.

6. Prior to construction, the Department shall file with the RCES of CPSD final construction plans, approved by UPRR.

7. Within 30 days after completion of the work under this order, the UPRR shall notify the RCES of CPSD in writing, by submitting a completed standard CPUC Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. This application is granted as set forth above.

10. Application 02-06-036 is closed.

This order is effective today.

Dated January 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY

Commissioners







